

The Honorable Philip H. Brandt
Chapter 7
Hearing Date: January 6, 2009
Hearing Time: 9:30 a.m.
Response Date: December 30, 2008
Hearing Location: Tacoma, WA

**IN THE UNITED STATES BANKRUPTCY COURT
IN AND FOR THE WESTERN DISTRICT OF WASHINGTON AT TACOMA**

In Re:

NO. 08-45120-PHB

PETER A. JACOBSON and MARIA E.
JACOBSON,

**OBJECTION TO IN FORMA
PAUPERIS APPLICATION AND
MOTION TO VACATE ORDER
WAIVING FILING FEE**

COMES NOW Terrence J. Donahue, duly appointed and acting Chapter 7 Trustee,
and files his Objection to In Forma Pauperis Application and Motion to Vacate Order
Waiving Filing Fees.

1. This case was filed on October 7, 2008.

2. Peter A. Jacobson and Maria E. Jacobson are "Debtors" herein. Debtors filed for relief under Chapter on October 7, 2008, as pro se debtors. The schedules filed on that date were not complete. Debtors filed their Application to Waive Filing Fee on or about October 7, 2008 (*Docket No. 7*).

3. Debtors subsequently retained Kenneth E. Rossback, attorney at law, to represent them regarding their Chapter 7 bankruptcy. Mr. Rossback filed the Balance of Schedules on October 19, 2008 (*Docket No. 14*).

4. The Order on Debtor's Application for Waiver of the Chapter 7 Filing Fee was lodged on October 21, 2008 (*Docket No. 16*). The matter was set for hearing on November 4, 2008. The Order Granting Application to Waive Filing Fee was entered on

**OBJECTION TO IN FORMA PAUPERIS
APPLICATION AND MOTION TO VACATE ORDER
WAIVING FILING FEE - 1**

TERRENCE J. DONAHUE
Chapter 7 Trustee
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November 6, 2008 (*Docket No. 18*).

5. Although Debtors' income may be below threshold standards, they stated on their Application for Waiver of the Chapter 7 Filing Fee for Individuals Who Cannot Pay the Filing Fee in Full or in Installments ("Application") that they had income of \$1,750.00 and that they has a checking account with Columbia Bank with a balance of \$500.00. Debtors also stated that they had not paid any fees to an attorney and they also stated that they had not promised to pay or anticipate paying an attorney.

6. Upon review of the balance of Debtors' schedules the Disclosure of Compensation of Attorney for Debtor(s) states that Debtors have agreed to pay for legal services in the amount of \$900.00 to Mr. Rossback.

7. Debtor, Maria E. Jacobson, has a pending personal injury claim with the law offices of Rush, Hannula, Harkins & Kyler, LLP. Debtors testified that the demand for damages was in the amount of \$530,000.00.

Trustee respectfully requests that the Application be denied and the previous order entered by the Court be vacated and that this matter be set for hearing to allow the Trustee an opportunity to be heard on this issue.

DATED this 19th day of November, 2008.

By: /s/ Terrence J. Donahue
Terrence J. Donahue, WSBA #15193
Chapter 7 Trustee

**OBJECTION TO IN FORMA PAUPERIS
APPLICATION AND MOTION TO VACATE ORDER
WAIVING FILING FEE - 2**

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